



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in compliance with D.N.J. 9004-2(c)

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In re:

BIRDSALL SERVICES GROUP, INC., *et al.*,

Debtors.

Case No. 13-16743

(Jointly Administered Case No. 13-16746)

Judge: Hon. Michael B. Kaplan, U.S.B.J.

Chapter 11

EDWIN H. STIER, CHAPTER 11 TRUSTEE FOR
BIRDSALL SERVICES GROUP, INC. *et al.* and
PARTNER ASSESSMENT CORPORATION,

Adversary Proceeding No.:13-01772

Plaintiffs,

V.

T&M ASSOCIATES and MARK
WORTHINGTON,

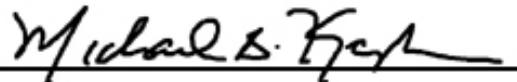
Defendants.

ORDER TO SHOW CAUSE GRANTING LIMITED RESTRAINTS

The relief set forth on the following pages is hereby:

ORDERED

DATED: 8/13/2013


Honorable Michael B. Kaplan
United States Bankruptcy Judge

IN RE Birdsall Services Group, Inc., *et al.*

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THIS MATTER being brought before the Court by Plaintiff, Edwin H. Stier, as Chapter 11 Trustee for the Estate of Birdsall Services Group, Inc., *et al.* (the “Trustee”), by and through his counsel, Wasserman, Jurista & Stolz, P.C., and by Plaintiff, Partner Assessment Corporation (“Partner”), by and through its counsel, Giordano, Halloran & Ciesla, P.C., seeking relief by way of Order to Show Cause (“OTSC”) with temporary restraints pursuant to Federal Rule of Bankruptcy Procedure 7065, based on the facts set forth in the Verified Complaint and the brief filed in support of the application; and prior notice having been provided to counsel for Defendants; and the Court having held oral argument on July 31, 2013 and determined that it has jurisdiction over this action pursuant to 28 U.S.C. § 1334; and for good cause shown:

IT IS ORDERED as follows:

- a. T&M Associates (“T&M”) and Mark Worthington (“Worthington”) are hereby enjoined, preliminarily and during the pendency of this action, from using any proprietary information placed on the “Thumb Drive”¹ by Worthington;
- b. Worthington shall turn over the thumb drive to the Trustee on or before Monday, August 5, 2013, while circulating copies of its contents to counsel for each of the parties (upon receipt of a storage device with sufficient capacity), with disclosure of its contents to be restricted to attorneys, consultants, and this Court only, until further order of this Court.
- c. Plaintiffs are entitled to limited access to T&M’s computer files, subject to a protective order the scope of which is limited to means necessary to ensure that T&M is not in possession of and is not using Plaintiffs’ proprietary information;
- d. The parties shall prepare a separate expedited scheduling order providing for

¹ As referenced and defined in the Verified Complaint and pleadings in support of the OTSC.

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timeframes for the exchange of discovery between and among the parties to address issues relating to preliminary restraints, with an evidentiary hearing scheduled for September 24, 2013 at 2:00 p.m.; and

e. The balance of the temporary injunctive relief set forth in the Court's July 30, 2013 Order be and is hereby vacated, without prejudice to the Plaintiffs' right to request such relief by further application to this Court.